

MONTANA LEGISLATIVE HISTORY

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Chapter 308 19 93

Bill H 357 S _____ Original bill & history ____c

H. Committee on Judiciary

Hearing Date(s) 2-9 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Judiciary

Hearing Date(s) 3-23 ☒ c

_____ c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

COMMITTEE--HOUSE JUDICIARY

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BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

HB0323	MCCARTHY, BEA	INJUNCTION AGAINST ONE CONVICTED OF CRUELTY TO ANIMALS						
	1/23	2/02	DO PASS	2/3	VOTE: 18-0			2/05
HB0335	TOOLE, HOWARD	GENERALLY REVISE CHILD SUPPORT ENFORCEMENT LAWS						
	1/23	2/12	PASS AS AMENDED	2/16	VOTE: 18-0			2/18
HB0340	BROWN, DAVE	INCLUDE PURCHASE OR ATTEMPT TO PURCHASE ALCOHOL UNDER POSSESSION STATUTE						
	1/25	2/02	PASS AS AMENDED	2/4	VOTE: 16-2			2/08
HB0346	BENEDICT, STEVE	MEDICAL MALPRACTICE TORT REFORM						
	1/25	2/09	PASS AS AMENDED	2/19	VOTE: 10-8			2/20
HB0357	FAGG, RUSSELL	EXPAND CATEGORY OF PERSONS PROTECTED BY AIRCRAFT LIEN						
	1/26	2/09	PASS AS AMENDED	2/9	VOTE: 18-0			2/11
HB0370	MOLNAR, BRAD	ESTABLISHING INCENTIVES TO ATTRACT DOCTORS TO MEDICAL SHORTAGE AREAS						
	1/27	2/10	TABLED ON	02/13	VOTE: 15-2	APPROPRIATIONS		
HB0396	WHALEN, TIM	REFUSAL OF DRIVER TO TAKE ALCOHOL TEST CAN'T AFFECT INSURANCE						
	1/30	2/04	PASS AS AMENDED	2/4	VOTE: 16-2			2/09
HB0405	FISHER, MARJORIE	CREATE CRIMINAL OFFENSE OF RITUAL ABUSE OF A MINOR						
	1/30	2/05	PASS AS AMENDED	2/9	VOTE: 17-1			2/11
HB0409	PAVLOVICH, BOB	SET REQUIREMENTS NECESSARY TO WAIVE INDIGENTS' FILING FEES IN COURT ACTIONS						
	1/30	2/05	DO PASS	2/5	VOTE: 18-0			2/08
HB0411	JOHNSON, ROYAL	DEPT. OF JUSTICE SUBSTANTIVE CHANGES TO GAMBLING LAWS						
	1/30	2/05	PASS AS AMENDED	2/12	VOTE: 18-0			2/17
HB0416	STRIZICH, BILL	REQUIRE REPORTING OF HATE CRIMES						
	2/01	2/10	PASS AS AMENDED	2/17	VOTE: 11-7			2/18
HB0429	STRIZICH, BILL	MAKE MANUFACTURE OF DANGEROUS DRUGS A SEPARATE OFFENSE; RAISE PENALTY						
	2/02	2/11	DO PASS	2/11	VOTE: 15-2			2/15

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN RUSSELL FAGG, on February 9, 1993, at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Dave Brown, Vice Chairman (D)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Tim Sayles (R)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl Winslow (R)
Rep. Diana Wyatt (D)

Members Excused: None

Members Absent: Rep. Angela Russell

Staff Present: John MacMaster, Legislative Council
Beth Miksche, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 357, HB 346
Executive Action: HB 357, HB 94, HB 236, HB 405

HEARING ON HB 357

Opening Statement by Sponsor:

REP. RUSSELL FAGG, House District 89, Billings, said this bill expands the category of persons and entities that have an aircraft lien. He sponsored HB 357 on behalf of the Montana Airport Association. It is his understanding that in many

instances, out-of-county or out-of-state aircraft flying into rural airports have services performed and leave without paying the bill. Forty-nine states have already passed a bill similar to this which allows a lien to be filed for services rendered, and he urged the committee's support.

Proponents' Testimony:

Ron Mercer, President, Montana Airport Association and Manager, Helena Airport, stated this bill enhances airport operators' ability to collect for services rendered. Primarily, smaller airports do not have the financial capabilities nor the staff to correct this issue.

Mike Ferguson, Department of Transportation, Montana Aeronautics Division, spoke in support of the bill. However, he recommended a small amendment: On line 15, after the word "and" insert: aircraft. It is the intent of airport management, fix-based operators, and independent private operators to be able to file a lien.

Rick Griffith, Chairman, Butte Airport; Tim Phillips, Missoula International Airport; and Monte Eliason, Airport Director, Glacier Park International Airport, Kalispell, all spoke in support of the bill.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: None.

HEARING ON HB 346

Opening Statement by Sponsor:

REP. STEVE BENEDICT, House District 64, Hamilton, said this bill regulates medical malpractice claims. He said it addresses specific areas of state statutes where tort reform is necessary to deter rising medical costs. He also said that not even the proponents can demonstrate beyond any doubt that this bill will reduce the escalation of preventive medicine from unnecessary procedures doctors are forced to conduct to protect themselves from threats of malpractice suits. Proponents will show that malpractice medical insurance rates show clear downward trends when this type of legislation has been introduced in other states. EXHIBIT 1

EXECUTIVE ACTION ON HB 357

Motion: REP. BROWN MOVED HB 357 DO PASS.

Motion: REP. BROWN moved two amendments. Line 15, after the word "an" and before "airport", insert: "aircraft"; and on line 17, after "airport," insert: "or agent of the airport." The purpose of this bill is to help operators in small airports.

Vote: REP. BROWN's amendment. The amendment carried unanimously 18-0.

Vote: HB 357 DO PASS AS AMENDED. Motion carried unanimously 18-0.

EXECUTIVE ACTION ON HB 94

Motion: REP. BROWN MOVED HB 94 DO PASS.

Discussion:

REP. BROWN distributed a gray bill replacement for the bill. EXHIBIT 6 Everything in the original bill is printed in the gray bill. A gray bill is a vehicle that allows putting all the amendments in the bill so that it can be read the way it would look after extensive amendments are made. He then read the bill through.

Vote: HB 94 "GRAY BILL" DO PASS. Motion carried 17-1. REP. TASH abstained from voting.

EXECUTIVE ACTION ON HB 236

Motion: REP. TOOLE MOVED HB 236 DO PASS.

Discussion:

Motion/Vote: REP. TOOLE proposed amendments. See Standing Committee Report. The motion carried 17-1 with REP. SMITH voting no.

Vote: HB 236 DO PASS AS AMENDED. Motion carried 17-1 with REP. SMITH voting no.

EXECUTIVE ACTION ON HB 405

Motion: REP. WHALEN MOVED HB 405 DO PASS.

Discussion:

Motion/Vote: CHAIRMAN FAGG moved Mr. MacMaster's proposed

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL

DATE

2-9-93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Russ Fagg, Chairman	✓		
Rep. Randy Vogel, Vice-Chair	✓		
Rep. Dave Brown, Vice-Chair	✓		
Rep. Jodi Bird	✓		
Rep. Ellen Bergman	✓		
Rep. Vivian Brooke	✓		
Rep. Bob Clark	✓		
Rep. Duane Grimes	✓		
Rep. Scott McCulloch	✓		
Rep. Jim Rice	✓		
Rep. Angela Russell			✓
Rep. Tim Savles	✓		
Rep. Liz Smith	✓		
Rep. Bill Tash	✓		
Rep. Howard Toole	✓		
Rep. Tim Whalen	✓		
Rep. Karyl Winslow	✓		
Rep. Diana Wyatt	✓		

HR:1993

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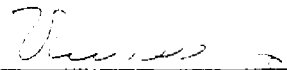
CS-09

HOUSE STANDING COMMITTEE REPORT

February 9, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 357 (first reading copy -- white) do pass as amended.

Signed: 
Russ Fagg, Chair

And, that such amendments read:

1. Page 1, line 15.
Following: "of an"
Insert: "aircraft,"
Following: "airport"
Insert: ",,"

-END-

HOUSE OF REPRESENTATIVES

Judiciary

COMMITTEE

ROLL CALL VOTE

DATE 2-9-93 BILL NO. HB 357 NUMBER 18

MOTION: Motion to pass HB 357 carries unanimously 18-0

NAME	AYE	NO
Rep. Russ Fagg, Chairman	✓	
Rep. Randy Vogel, Vice-Chair	✓	
Rep. Dave Brown, Vice-Chair	✓	
Rep. Jodi Bird	✓	
Rep. Ellen Bergman	✓	
Rep. Vivian Brooke	✓	
Rep. Bob Clark	✓	
Rep. Duane Grimes	✓	
Rep. Scott McCulloch	✓	
Rep. Jim Rice	✓	
Rep. Angela Russell	✓	
Rep. Tim Sayles	✓	
Rep. Liz Smith	✓	
Rep. Bill Tash	✓	
Rep. Howard Toole	✓	
Rep. Tim Whalen	✓	
Rep. Karyl Winslow	✓	
Rep. Diana Wyatt	✓	
	18	0

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Judiciary COMMITTEE BILL NO. *HB 357*
DATE *Feb. 9, 1993* SPONSOR(S) *R. J. Fagg*
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Red Bruffete</i>	<i>Butte Airport</i>	<i>X</i>	
<i>Tim Phillips</i>	<i>Missoula Int'l Airport</i>	<i>X</i>	
<i>Ron Mercer</i>	<i>Helena Airport</i>	<i>X</i>	
<i>Monte Eliason</i>	<i>GLACIER PARK INT'L AIRPORT - KALISPELL</i>	<i>X</i>	
<i>Mike Ferguson</i>	<i>DOT MT AERONAUTICS DIV</i>	<i>X</i>	
<i>TOM EBZEVY</i>	<i>MONTANA Airport Mgt Assn</i>	<i>X</i>	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

COMMITTEE--SENATE JUDICIARY

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- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE - REREFERRED - DATE READ

HB0245	KADAS, MIKE	2/23	3/19	ESTABLISH GROUNDS FOR TERMINATION OF MOBILE HOME TENANCY	CONCUR AS AMENDED 3-26	3/27
HB0255	ANDERSON, SHIELL	2/16	3/04	REVISE RELEASE OR DISCHARGE OF DEFENDANT WHO PLED MENTAL DISEASE OR DEFECT	CONCUR AS AMENDED 3-8	3/08
HB0258	TOOLE, HOWARD	2/12	3/15	DEDUCTION FROM INTERIM EARNINGS DEDUCTION FROM WRONGFUL DISCHARGE AWARD	CONCUR AS AMENDED 3-17	3/18
HB0272	RICE, JIM	2/12	3/17	DEPT. BILL WITH TECHNICAL GAMBLING LAW CHANGES	CONCUR AS AMENDED 3-17	3/18
HB0278	BARDANOUE, FRANCIS	3/10	3/22	REVISE DISTRICT COURT CRIMINAL EXPENSE REIMBURSEMENT	CONCUR 3-26	3/27
HB0307	DEBRUYCKER, ROGER	2/12	3/17	ALLOW DEPT. JUSTICE TO ADOPT NEW AMUSEMENT GAMES BY RULE	CONCUR AS AMENDED 3-17	3/18
HB0323	MCCARTHY, BEA	2/12	3/05	INJUNCTION AGAINST ONE CONVICTED OF CRUELTY TO ANIMALS	CONCUR AS AMENDED 4-13	4/13
HB0335	TOOLE, HOWARD	3/01	3/18	GENERALLY REVISE CHILD SUPPORT ENFORCEMENT LAWS	TABLED ON 03/29	
HB0340	BROWN, DAVE	2/16	3/03	INCLUDE PURCHASE OR ATTEMPT TO PURCHASE ALCOHOL UNDER POSSESSION STATUTE	CONCUR 3-3	3/04
HB0346	BENEDICT, STEVE	3/01	3/24	MEDICAL MALPRACTICE TORT REFORM	CONCUR AS AMENDED 3-26	3/30
HB0357	FAGG, RUSSELL	2/20	3/23	EXPAND CATEGORY OF PERSONS PROTECTED BY AIRCRAFT LIEN	CONCUR 3-23	3/27
HB0396	WHALEN, TIM	2/20	3/19	REFUSAL OF DRIVER TO TAKE ALCOHOL TEST CAN'T AFFECT INSURANCE	TABLED ON 03/26	

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Senator Bill Yellowtail, on March 23, 1993, at 10:08 a.m.

ROLL CALL

Members Present:

Sen. Bill Yellowtail, Chair (D)
Sen. Steve Doherty, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Chet Blaylock (D)
Sen. Bob Brown (R)
Sen. Bruce Crippen (R)
Sen. Eve Franklin (D)
Sen. Lorents Grosfield (R)
Sen. Mike Halligan (D)
Sen. John Harp (R)
Sen. David Rye (R)
Sen. Tom Towe (D)

Members Excused: Senator Halligan

Members Absent: NONE

Staff Present: Valencia Lane, Legislative Council
Rebecca Court, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 142
	HB 238
	HB 507
	HB 357
Executive Action:	HB 142
	HB 238
	HB 507
	HB 357
	HB 235
	HB 562

HEARING ON HB 357

Opening Statement by Sponsor:

Representative Fagg, District 89, told the Committee that HB 357

adds service to those eligible to receive an aircraft lien. Under existing law, repairs and storage of planes falls under the lien act, but actual service does not. Rep. Fagg said that causes a problem for small airports because private planes receive service and leave before payment has been received and the airports cannot put a lien on the aircraft. Rep. Fagg said on page one, line 13, the word "service" was inserted. Rep. Fagg told the Committee that HB 357 was supported by the Montana Aircraft Managers Association.

Proponents' Testimony:

Rep. Brown, District 72, supported HB 357. HB 357 would affect small and large airports.

Rick Griffith, Butte Airport, Montana Airport Management Association, supported HB 357.

Tim Phillips, Missoula Airport, Montana Airport Management Association, supported HB 357.

Ted Mathis, Airport Manager for the Gallatin Airport in Bozeman, Mt, supported HB 357.

Paul Graham, Financial Officer for the Helena Regional Airport, supported HB 357.

Mike Fergeson, Administrator for the Aeronautics Division for the Department of Transportation, supported HB 357.

Opponents' Testimony:

NONE

Questions From Committee Members and Responses:

Senator Blaylock asked Mr. Fergeson if a lien could be placed on an aircraft after a person left the state. Mr. Fergeson said it would depend on the other states laws as to whether a lien could be attached to the aircraft. A person could file a lien with the federal aviation administration and as long as it had not been released it would track the aircraft forever.

Closing by Sponsor:

Representative Fagg closed.

EXECUTIVE ACTION ON HB 357

Motion/Vote:

Senator Blaylock moved HB 357 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

judges and sport officials, be brought back in two years to deal with them equally.

Senator Rye said told the Committee that assaults on sports officials are much more common than assaults on judges, and asked that HB 142 be passed.

Senator Towe told the Committee that HB 142 is limited to any attack on an official that takes places while on the scene of the contest. HB 142 would not affect an official once they left the scene of the contest.

Vote:

The Be Concurred In As Amended motion CARRIED with Chair Yellowtail voting NO.

EXECUTIVE ACTION ON HB 238

Motion/Vote:

Senator Towe moved HB 238 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 357

Motion:

Discussion:

Senator Towe asked the Committee to reconsider HB 357 in order to check on the bill. Senator Towe said the law as it was originally presented only affected airports, so airports would have a lien on any aircraft for service or storage. HB 357 would expand it so there would be a mechanics lien on anybody who does work on an aircraft, much like a mechanics lien. Senator Towe said airport liens might be covered already on a mechanics lien, because a mechanic lien is not limited to cars. Senator Towe said there are no provisions for closing on that lien and there is no law that provides for enforcing a mechanics lien, or a lien such as this. Senator Towe said HB 357 would be a giant expansion of our lien laws and feels that the bill should be checked into further.

Motion:

Senator Towe moved to RECONSIDER HB 357.

Discussion:

Chair Yellowtail suggested to hold the Committee report.

ROLL CALL

SENATE COMMITTEE

Judiciary

DATE

5-23-92

NAME	PRESENT	ABSENT	EXCUSED
Senator Yellowtail	X		
Senator Doherty	X		
Senator Brown	X		
Senator Crippen	X		
Senator Grosfield	X		
Senator Halligan			X
Senator Harp	X		
Senator Towe	X		
Senator Bartlett	X		
Senator Franklin	X		
Senator Blaylock	X		
Senator Rye	X		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 23, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 357 (first reading copy -- blue), respectfully report that House Bill No. 357 be concurred in.

Signed: Wm Yellowtail
Senator William "Bill" Yellowtail, Chair

AM Amd. Coord.
Sec. of Senate

Brown
Senator Carrying Bill

DATE 3-23-93

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB 142, 238, 507, 357

Name	Representing	Bill No.	Check One	
			Support	Oppose
Don MacIntyre	Self	507	✓	
Tom Eberly	Mt. Airport Manager Assn.	357	✓	
Russ Ritter	Self		✓	
Ron Ashbrenner	State Farm Ins.	507	✓	
Russell B Hill	Mont. Trial Lawyers	507		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY